

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EDGAR ANTONIO TACAXOY BATZ §
VS. § CIVIL ACTION NO. 1:21-CV-60
JEFFERSON COUNTY CORRECTIONAL §
FACILITY

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Edgar Antonio Tacaxoy Batx, a pretrial detainee currently confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant the Jefferson County Correctional Facility.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b) as plaintiff failed to pay the filing fee and failed to file a verified application to proceed *in forma pauperis* accompanied with a certified income trust statement for the preceding six month period (docket entry no. 7).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.¹ Plaintiff did file what appeared to be an application to proceed *in forma pauperis* (docket entry no. 11). However, the application is not verified and does not contain a certified income trust statement for the preceding six month period as ordered. There is simply a note that “per Captain Harrell court orders for inmate account history are void when sent to an inmate.” *Id.* Plaintiff has had since March 15, 2021 to provide a verified application to proceed *in forma pauperis* accompanied with

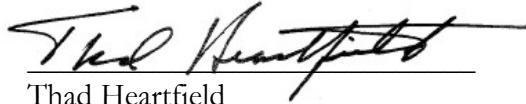
¹Plaintiff received a copy of the Report and Recommendation on April 6, 2021 (docket entry no. 10).

a certified income trust statement for the preceding six month period. Despite ample time to do so, plaintiff has failed to comply and has failed to otherwise pay the full filing fee.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **20** day of **September, 2021**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge